

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:
TAMMY SUE ERWIN

CHAPTER 13 PROCEEDINGS

CASE NO: 16-21278 KL

Debtor(s)

NOTICE OF FINAL CURE PAYMENT

Pursuant to Federal Bankruptcy Rule 3002.1(f), the Trustee filed Notice that the amount required to cure the default in the below claim has been paid in full, and the ongoing post-petition payments are current.

Name of Creditor: RUSHMORE LOAN MANAGEMENT SERVICE
Court Claim No.: 10

Last four (4) digits of any number used to identify the Debtor's account: 9021

Final Cure Amount:

Amount of Allowed Pre-Petition Arrearage: \$680.35

Amount Paid By Trustee \$680.35

Monthly Ongoing Mortgage Payment is Paid:

XX Through the Chapter 13 Trustee conduit Direct by the Debtor

Within 21 days of the service of this Notice, the creditor must file and serve same on the Debtor, Debtor's counsel and the Trustee, pursuant to Federal Bankruptcy Rule 3002.1(g), a Statement indicating whether it agrees that the Debtor has paid in full the amount required to cure the default and whether, consistent with Federal Bankruptcy Rule 1322(b)(5), the Debtor is otherwise current on all the payments or be subject to further action of the Court including possible sanctions.

- (a) A Response to a Notice of Final Cure shall be filed on Local Form 3002.1-1 and include a copy of the payoff statement as defined by 12 C.F.R. §1026.36(c)(3) (Eff. 1/10/14). If the Response is not on the proper form or accompanied by the payoff statement, the Response shall be amended within 14 days of notice by the Trustee of the deficiency.
- (b) Trustee shall serve a blank copy of local form 3002.1-1 required by this rule along with the Notice of Final Cure.

Dated: December 1, 2021

Respectfully Submitted:

/s/ Paul R. Chael
Standing Chapter 13 Trustee

Fill in this information to identify the case:

(post publication draft)

(Spouse, if filing)

_____ District of _____
(State)

Local Bankruptcy Form 3002.1-1

Response to Notice of Final Cure Payment

10/19

According to Bankruptcy Rule 3002.1(g), the creditor responds to the trustee's notice of final cure payment.

Part 1: Mortgage Information

Name of creditor: _____ Court claim no. (if known): _____

Last 4 digits of any number you use to identify the debtor's account: _____

Property address: _____

Number Street

City State ZIP Code

Part 2: Prepetition Default Payments

Check one:

- ☐ Creditor **agrees** that the debtor(s) have paid in full the amount required to cure the prepetition default on the creditor's claim.
- ☐ Creditor **disagrees** that the debtor(s) have paid in full the amount required to cure the prepetition default on the creditor's claim. Creditor asserts that the total prepetition amount remaining unpaid as of the date of this response is: \$ _____

Part 3: Postpetition Mortgage Payment

Check one:

- ☐ Creditor states that the debtor(s) **are current** with all postpetition payments consistent with § 1322(b)(5) of the Bankruptcy Code, including all fees, charges, expenses, escrow, and costs. Creditor provides the following information as required pursuant to NDIN L.R. 3002.1 as of the date of this Response:

Date last payment was received on the mortgage: \$ _____

Date next post-petition payment from the debtor(s) is due: \$ _____

Amount of the next post petition payment due: \$ _____

Unpaid principal balance of the loan: \$ _____

Additional amounts due for any deferred or accrued interest: \$ _____

Balance of the escrow account: \$ _____

Balance of unapplied funds or funds held in a suspense account: \$ _____

Debtor 1

First Name

Middle Name

Last Name

Case number (if known)

- ☐ Creditor states that the debtor(s) **are not current** on all postpetition payments consistent with § 1322(b)(5) of the Bankruptcy Code, including all fees, charges, expenses, escrow, and costs.

Creditor asserts that the total amount remaining unpaid as of the date of this response is:

- a. Total post-petition ongoing payments due: \$ _____
- b. Total fees, charges, expenses and costs outstanding: \$ _____
- c. Total negative escrow amount: \$ _____
- d. **Total.** Add lines a , b and c. \$ _____

Creditor asserts that the debtor(s) are contractually due for the monthly payment that first became due on:

____/____/____
MM DD YYYY

Part 4: Itemized Payment History

If the creditor disagrees in Part 2 that the prepetition arrearage has been paid in full or states in Part 3 that the debtor(s) are not current with all postpetition payments, including all fees, charges, expenses, escrow, and costs, the creditor must attach an itemized payment history disclosing the following amounts from the date of the bankruptcy filing through the date of this response:

- ☐ all payments received;
- ☐ all fees, costs, escrow, and expenses assessed to the mortgage; and
- ☐ all amounts the creditor contends remain unpaid.

Part 5: Sign Here

The person completing this response must sign it. The response must be filed as a supplement to the creditor's proof of claim.

Check the appropriate box::

- ☐ I am the creditor.
- ☐ I am the creditor's authorized agent.

I declare under penalty of perjury that the information provided in this response is true and correct to the best of my knowledge, information, and reasonable belief.

Sign and print your name and your title, if any, and state your address and telephone number if different from the notice address listed on the proof of claim to which this response applies.

X

Signature

Date ____/____/____

Print

First Name

Middle Name

Last Name

Title

Company

If different from the notice address listed on the proof of claim to which this response applies:

Address

Number

Street

City

State

ZIP Code

Contact phone

(____) ____-____

Email

CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2021, service of a true and complete copy of the above and foregoing pleading or paper was electronically sent through the court's ECF system to the following parties:

U.S. Trustee

Attorney for Debtor(s): DAN WHITTEN

Attorney for Creditor – KRISTIN DURIANSKI

and upon the following by depositing the same in the United States mail, envelopes properly address to each of them and with sufficient first-class postage affixed.

Debtor(s) - TAMMY SUE ERWIN, 1950 DRIFTWOOD ST, PORTAGE, IN 46368 ,

Creditors(s) – RUSHMORE LOAN MANAGEMENT, PO BOX 52708, IRVINE, CA 92619

Paul R. Chael /s/

Paul R. Chael, Chapter 13 Trustee

401 West 84th Drive, Suite C

Merrillville, IN 46410